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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,994	09/01/2000	Koichiro Maemura	2271/62975	6805
7590	05/25/2006		EXAMINER	
Richard F Jaworski Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036				PARK, CHAN S
		ART UNIT		PAPER NUMBER
		2625		

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/653,994	MAEMURA, KOICHIRO
	Examiner CHAN S. PARK	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/06 has been entered. Currently, **claims 1-42** are pending.

### ***Response to Arguments***

2. Upon review of the reference of Kida (U.S. Patent No. 5,293,253), which was cited in the Office Action dated 12/28/05 under 35 U.S.C. 102(b), as being anticipating claims 1-42, the examiner notes that the reference can still be interpreted as anticipating the claims, as currently amended.

Particularly, as amended, all independent claims now require "wherein said list of image information includes communication control information for a plurality of rejected communications, and the communication control information in the list for a rejected communication indicates that the communication was rejected." Referring to col. 10, lines 20-29 of Kida, it describes the step of generating the report indicating that a particular communication has been rejected because the calling station identification is not found in the "receipt-allowed communication partner registration table" (col. 10, lines 12-19). Further, it states "the operator of the facsimile apparatus 21 is informed of the

fact that there occurred a rejection of facsimile transmission and the list of the stations that have been rejected" (lines 25-29). It is noted that by printing out the reports for each rejected communication at step V8, the facsimile apparatus 21 lists the stations that have been rejected to inform the user. Thus, the list, by the generation of a plurality of reports, apparently includes "a plurality of rejected communications."

Therefore, Kida teaches/discloses the each and every limitation claimed in all independent claims.

### ***Claim Objections***

The following quotations of 37 § CFR 1.75(d)(1) is the basis of objection:

(d)(1) The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. (See § 1.58(a)).

3. Claim 17 recites the limitation "the communication" in line 6. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 18 recites the limitation "the communication" in line 6. There is insufficient antecedent basis for this limitation in the claim. Further, it recites "a communication partner not registered" in line 7. It is unclear if it is referring to the "communication partner" in lines 2-3.
5. Claim 20 recites the limitation "the transmission-allowed communication partner registering table" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

6. Similar antecedent basis issues, as noted in claims 17, 18 and 20, are found in the rest of the independent claims. The applicant is requested to review all claims to correct them.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kida et al. U.S. Patent No. 5,293,253 (hereinafter Kida).

7. With respect to claim 17, Kida discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from a communication partner other than communication partners previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68),

    said facsimile device provided with a receipt-rejecting function comprising (fig. 11 & col. 10, lines 12-19):

        a receipt-rejected communication control medium collecting the communication control information in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table, and storing said collected communication control information in

a receipt-rejected communication control information storage medium (col. 10, lines 20-35);

    a communication control list creating medium creating a list of image information on the basis of the communication control information stored in said receipt-rejected communication control information storage medium (fig. 11 & col. 10, lines 25-29); and

    a list outputting medium visibly outputting said list of image information created by said communication control list creating medium (fig. 11 & col. 10, lines 25-29),

    wherein when said communication relating to the message arrival from said communication partner not registered in said receipt-allowed communication partner registering table is rejected, a facsimile receiving process is not performed by said facsimile device for the receipt-rejected communication (V6 & V7 in fig. 11), and

    wherein said list of image information includes communication control information for a plurality of rejected communications, and the communication control information in the list for a rejected communication indicates that the communication was rejected (col. 10, lines 25-29).

It should be noted that the receipt-rejected communication control information storage medium is an inherent feature since either a temporary or permanent memory is required for the both printing and display.

8. With respect to claim 18, Kida teaches a method of controlling a facsimile device provided with a receipt-rejected function of rejecting message receipt from a communication partner other than a communication partner previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68),

said method of controlling the facsimile device provided with a receipt-rejecting function comprising the steps of (fig. 11 & col. 10, lines 12-19):

collecting communication control information in connection with the communication relating to message arrival from a communication partner not registered in said receipt-allowed communication partner registering table (col. 10, lines 20-35);

storing said collected communication control information in a receipt-rejected communication control information storage medium (col. 10, lines 20-35);

creating a list of image information on the basis of the communication control information stored in said receipt-rejected communication control information storage medium (fig. 11 & col. 10, lines 25-29); and

visibly outputting said created list of image information (fig. 11 & col. 10, lines 25-29).

wherein when said communication relating to the message arrival from said communication partner not registered in said receipt-allowed communication partner registering table is rejected, a facsimile receiving process is not performed by said facsimile device for the receipt-rejected communication (V6 & V7 in fig. 11), and

wherein said list of image information includes communication control information for a plurality of rejected communications, and the communication control information in the list for a rejected communication indicates that the communication was rejected (col. 10, lines 25-29).

It should be noted that the receipt-rejected communication control information storage medium is an inherent feature since either a temporary or permanent memory is required for both printing and display.

9. With respect to claim 19, Kida discloses a facsimile device provided with a receipt-rejected function of rejecting message receipt from communication partner other than communication partners previously registered in a receipt-allowed communication partner registering table (Abstract & col. 3, lines 61-68), wherein said facsimile device comprising:

a normal communication control medium collecting communication control information in connection with the communication relating to a message receipt from the communication partner registered in a transmission-allowed communication partner registering table or in said receipt-allowed communication partner registering table and storing said collected communication control information in said normal communication control information storage medium (fig. 11).

10. With respect to the rest of limitations in claim 19, arguments analogous to those presented for claims 17 and 18, are applicable.

11. With respect to claim 20, arguments analogous to those presented for claims 17-19, are applicable.

12. With respect to claim 21, Kida discloses the facsimile device provided with a receipt-rejecting function as defined in claim 17,

wherein the communication control information collected by said receipt-rejected communication control medium and stored in said receipt-rejected communication

control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes a communication partner identifying information (fig. 12).

13. With respect to claim 22, arguments analogous to those presented for claim 21, are applicable.

14. With respect to claim 23, arguments analogous to those presented for claim 21, are applicable.

15. With respect to claim 24, arguments analogous to those presented for claim 21, are applicable.

16. With respect to claim 25, Kida teaches the method of controlling the facsimile device provided with a receipt-rejecting function as defined in claim 18,

wherein the communication control information memorized in said receipt-rejected communication control information storing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes a communication partner identifying information (fig. 12).

17. With respect to claim 26, arguments analogous to those presented for claims 21 and 25, are applicable.

18. With respect to claim 27, Kida discloses the facsimile device provided with a receipt-rejecting functions as defined in claim 17,

wherein said facsimile device further comprises a time counting medium for counting the present date and time; and

wherein the communication control information collected by said receipt-rejected communication control medium and storing in said receipt-rejected communication control information memorizing medium in connection with the communication relating to the message arrival from the communication partner not registered in said receipt-allowed communication partner registering table includes the date-and-time information read out from said time counting medium at the time of the message arrival (fig. 12).

Since it prints out the date and time of the transmission, it is inherent that the device has a clock for counting the present date and time.

19. With respect to claim 28, arguments analogous to those presented for claim 27, are applicable.

20. With respect to claim 29, arguments analogous to those presented for claim 27, are applicable.

21. With respect to claim 30, arguments analogous to those presented for claim 27, are applicable.

22. With respect to claim 31, arguments analogous to those presented for claim 27, are applicable.

23. With respect to claim 32, arguments analogous to those presented for claim 27, are applicable.

24. With respect to claim 33, arguments analogous to those presented for claim 27, are applicable.

25. With respect to claim 34, arguments analogous to those presented for claim 27, are applicable.
26. With respect to claims 35-38, arguments analogous to those presented for claim 27, are applicable.
27. With respect to claim 39, arguments analogous to those presented for claim 17, are applicable.
28. With respect to claim 40, arguments analogous to those presented for claim 20, are applicable.
29. With respect to claim 41, arguments analogous to those presented for claim 18, are applicable.
30. With respect to claim 42, arguments analogous to those presented for claim 19, are applicable.
31. With respect to claim 1, arguments analogous to those presented for claim 17, are applicable.
32. With respect to claim 2, arguments analogous to those presented for claim 18, are applicable.
33. With respect to claim 3, arguments analogous to those presented for claim 19, are applicable.
34. With respect to claim 4, arguments analogous to those presented for claim 20, are applicable.
35. With respect to claims 5-16, arguments analogous to those presented for claim 27, are applicable.

**Contact Information**

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park  
Examiner  
Art Unit 2625

*Chan S. Park*

csp  
May 22, 2006

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

*Douglas Q. Tran*